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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,667	01/30/2004	Thomas Schuhrke	AGFA 269-KFM MU : 03007-US	8259
10037	7590	03/18/2008	EXAMINER	
MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606			NGUYEN, MADELEINE ANH VINH	
			ART UNIT	PAPER NUMBER
			2625	
			MAIL DATE	DELIVERY MODE
			03/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/768,667

Applicant(s)

SCHUHRKE ET AL.

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-15 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/30/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 recites the limitation "the x-axis" and "the y-axis" in line 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier et al (Publication No. US 2002/0131770).

Concerning claim 1, Meier et al discloses a method (Figs.1-2)for printing digital image data onto light-sensitive material (photographic paper), wherein the image data are received at a reader station (digital camera or film scanner or slide scanner or flatbed scanner), an exposure correction is applied to the image data in a computing station (step 1), and the exposure-corrected image data are output via a printing module onto the light-sensitive material (step 2), (Abstract; paragraphs 0081, 0084, 0092, 0093, 0097, 0099-0106, 0132, 0135, 01370139).

Meier does not directly teach that the improvement of the exposure correction includes a correction step that is both specific for the type of light-sensitive material used and for the image data. However, in the Abstract, Meier teaches, "a model is disclosed for a system of an image reproducing device and a medium, which produces an image by way of light modulators." Meier et al further teaches the use of the type of the photographic paper in a first process for determining the color data of the photographic image on the basis of given image control data, which describe the color values of the light reflected, transmitted and/or absorbed by the image, and in a second process for determining the image control data associated with given color data of an image (paragraph 0012). It would have been obvious to one skilled in the art at the time the invention was made to modify the exposure correction in Meier is both specific for the type of light-sensitive material (photograph paper) and for the image data since the teaching of the correction in Meier is both specific for the type of photograph used and for the image data in Meier is equivalent to the claimed invention which lead in a predictable result.

Concerning claims 2-6, 10-15, Meier et al further teaches, the correction step is applied to output-ready image data (paragraphs 0040, 0046); the correction step is applied to each color separately (paragraphs 0040, 0084, 0084, 0099); image-data-specific correction data are used for the correction step that are determined by analysis of the image data (paragraphs 0087, 0100); the image-data-specific correction data are determined by means of a method to detect edges within the image data (paragraph 0137); the image-data-specific correction data are determined by means of filtering the image data (paragraphs 0008, 0011, 0081, 0084); paper-specific correction data based on the exposure and measurement of a test pattern are created, which serve as the standard for an over-exposure during printing (paragraphs 0093, 0102-0103,

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0135); the test pattern includes a large number of sequential density jumps (paragraph 0084, 0093, 0101-0103, 0135); over-exposure is determined from an integral measurement of the exposed test pattern (paragraph 0084, 0093, 0101-0103, 0135); the paper-specific correction data are derived from a correlation of measured and pre-specified maximum-allowable over-exposure; paper-specific correction data are newly determined for each type of light-sensitive material used; paper-specific correction data for specific types of light-sensitive materials are determined in advance and stored (paragraphs 0092, 0093, 0097, 0100-0106, 0139).

5. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier et al as applied to claim 6 above, and further in view of Schweid et al (US Patent No. 5,835,630).

Concerning claims 7-8, Meier et al fails to teach in details that a two-dimensional filter is used or one-dimensional filters are used and they are applied sequentially along the x-axis and the y-axis. Schweid et al discloses a two-dimensional filter in the reproduction of images from an original document wherein the two-dimensional filter is described as a one-dimensional filter that acts in the vertical direction or slow-scan direction followed by another one-dimensional filter acting in the horizontal or fast-scan direction (Abstract; col. 23, lines 24-33, lines 60-65). It would have been obvious to one skilled in the art at the time the invention was made to combine the two-dimensional filter taught in Schweid et al to consider the filters in Meier et al to be two-dimensional filters since the filter in Schweid et al is also used for filtering digital image data as taught in Meier et al.

Allowable Subject Matter

6. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 9 is allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches the printing of digital image data onto light sensitive material as claimed in claims 1-4 and 6 wherein the filters with a range of five image points are used.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kraft (Pub. No. US 2002/0141640) discloses a process for the location dependent correction of photographic image data representing an image with a multitude of image elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Madeleine AV Nguyen". The signature is fluid and cursive, with the first name "Madeleine" written in a stylized, somewhat abbreviated manner, followed by the initials "AV" and the last name "Nguyen".

Madeleine AV Nguyen
Primary Examiner
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March 17, 2008